

House Bill 665

By: Representatives Rice of the 51st, Coleman of the 97th, and Maxwell of the 17th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to education, so as to change the name of the department that enforces the provisions of this law; to allow release of student attendance records to the Department of Driver Services; to provide for private schools and home study programs to release information on their students to the department; to provide for release of student information by public schools to visiting teachers or attendance officers; to provide for reports to juvenile courts of students who are absent in violation of the law; to provide for consent for release of information; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for restrictions on issuance of permits to minors; to provide for notification to the department of student violations; to provide for consent to release information to the department; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Code Section 20-2-320, relating to a steering committee to help implement the Quality Basic Education Program, by revising subsection (f) as follows:

"(f) Notwithstanding any other provision of law, the Department of Education is authorized to and shall obtain and provide to the Department of ~~Public Safety~~ Driver Services, in a form to be agreed upon between the Department of Education and the Department of ~~Public Safety~~ Driver Services, enrollment, attendance, and suspension information regarding minors 15 through 17 years of age reported pursuant to Code Sections 20-2-690 and 20-2-697, to be used solely for the purposes set forth in subsection (a.1) of Code Section 40-5-22. Any verification provided pursuant to Code Section 40-5-26 by the parent, guardian, or an individual acting as a parent in the absence of a parent or guardian shall constitute written consent by said person for any local school or school district to

release any information required by the Department of Driver Services to satisfy the requirements of this subsection, as well as Code Sections 40-5-22 and 20-2-701. The Department of Education shall serve as the agent of such school, school official, or school system for transmission of this information to the Department of Driver Services."

SECTION 2.

Said chapter is further amended in Code Section 20-2-690, relating to private schools and home study programs, by revising paragraph (5) of subsection (b) and paragraphs (2) and (6) of subsection (c) as follows:

"(5) Within 30 days after the beginning of each school year, it shall be the duty of the administrator of each private school to provide to the school superintendent of each local public school district which has residents enrolled in the private school a list of the full legal name, age date of birth, and current residence address of each resident so enrolled.

At the end of each school month, it shall be the duty of the administrator of each private school to notify the school superintendent of each local public school district of the name, age, and residence of each student residing in the public school district who enrolls or terminates enrollment at the private school during the immediately preceding school month. Such records shall indicate when attendance has been suspended and the grounds for such suspension. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of ~~Public Safety~~ Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22; and"

"(2) The declaration shall include a list of the full legal names and ages dates of birth of the students who are enrolled in the home study program, the address where the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of ~~Public Safety~~ Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22;"

"(6) Attendance records for the home study program shall be kept and shall be submitted at the end of each month to the school superintendent of the local school district in which the home study program is located. Attendance records and reports shall not be used for any purpose except providing necessary attendance information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of

competent jurisdiction, or for verification of attendance by the Department of ~~Public~~
~~Safety~~ Driver Services for the purposes set forth in subsection (a.1) of Code Section
40-5-22;"

SECTION 3.

Said chapter is further amended in Code Section 20-2-697, relating to the reports made by
visiting teachers and attendance officers, by revising subsection (a) as follows:

"(a) Visiting teachers and attendance officers shall receive the cooperation and assistance
of all teachers and principals of public schools in the local school systems within which
they are appointed to serve. It shall be the duty of the principals or local school site
administrators and of the teachers of all public schools to report, in writing, to the visiting
teacher or attendance officer of the local school system the full legal names, ~~ages~~ dates of
birth, and ~~residences~~ current residence addresses of all students in attendance at their
schools and classes within 30 days after the beginning of the school term or terms and to
make such other reports of attendance in their schools or classes as may be required by rule
or regulation of the State Board of Education. All public schools shall keep daily records
of attendance, verified by the teachers certifying such records. Such reports shall be open
to inspection by the visiting teacher, attendance officer, or duly authorized representative
at any time during the school day. Any such attendance records and reports which identify
students by name shall be used only for the purpose of providing necessary attendance
information required by the state board or by law, except with the permission of the parent
or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for
verification of attendance by the Department of ~~Public Safety~~ Driver Services for the
purposes set forth in subsection (a.1) of Code Section 40-5-22. ~~Such attendance records~~
~~shall also be maintained in a format which does not identify students by name, and in this~~
~~format shall be a part of the data collected for the student record component of the~~
~~state-wide comprehensive educational information system pursuant to subsection (b) of~~
~~Code Section 20-2-320."~~

SECTION 4.

Said chapter is further amended in Code Section 20-2-701, relating to the truancy reporting
by local school superintendents or others, by revising said Code section as follows:

"20-2-701.

(a) Local school superintendents as applied to private schools and home study programs
or visiting teachers and attendance officers as applied to public schools, after written notice
to the parent or guardian of a child, shall report to the juvenile or other court having
jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private

1 school or a home study program in violation of this subpart. If the judge of the court places
2 such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15,
3 school shall be provided for such child.

4 ~~(b) (See subsection (d) of this Code section for effective-date contingency. See J~~
5 ~~document for text.)~~ Local school superintendents or visiting teachers and attendance
6 officers shall use their best efforts to notify any child 15 years of age or older who has only
7 three unexcused absences remaining prior to violating the attendance requirements
8 contained in subsection (a.1) of Code Section 40-5-22. Such notification shall be made via
9 first-class mail.

10 ~~(c) (See subsection (d) of this Code section for effective-date contingency. See J~~
11 ~~document for text.)~~ Local school superintendents or visiting teachers and attendance
12 officers shall report to the Department of Education, which shall, in turn, report to the
13 Department of Driver Services any child 15 years of age or older who does not meet the
14 attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such
15 report shall include the child's full legal name, current residence address, date of birth, and,
16 if available, the child's social security number, driver's license number, and state
17 identification card number.

18 ~~(d) Subsections (b) and (c) of this Code section shall not be effective until full~~
19 ~~implementation of the state-wide education information system."~~

20 SECTION 5.

21 Said chapter is further amended in Code Section 20-2-736, relating to student codes of
22 conduct, by revising subsection (a) as follows:

23 "(a) At the beginning of each school year, local boards of education shall provide for the
24 distribution of student codes of conduct developed pursuant to Code Section 20-2-735 to
25 each student upon enrollment. Local boards of education shall provide for the distribution
26 of such student codes of conduct to the parents or guardians of each student through such
27 means as may best accomplish such distribution at the local level and are appropriate in
28 light of the grade level of the student, including distribution of student codes of conduct to
29 students and parents or guardians jointly. Local boards of education shall solicit or require
30 the signatures or confirmation of receipt of students and parents or guardians in
31 acknowledgment of the receipt of such student codes of conduct. A signature or
32 confirmation of receipt may be obtained in writing, via electronic mail or facsimile, or by
33 any other electronic or other means as designated by the local board. Any such signature
34 or confirmation shall constitute written consent by said person for any local school or
35 school district to release any information required by Code Section 40-5-22. A parent or
36 legal guardian that does not acknowledge receipt of the student code of conduct shall not

be absolved of any responsibility with respect to the information contained in the student code of conduct. In addition, student codes of conduct shall be available in each school and classroom."

SECTION 6.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-22, relating to teenage drivers and applicants to whom no license may be issued, by revising subsections (a.1) and (c) as follows:

"(a.1)(1) The department shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver's license the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion or has terminated his or her secondary education and is enrolled in a postsecondary school, ~~is pursuing a general educational development (GED) diploma,~~ or the records of the department indicate that said applicant:

- (A) Is enrolled in ~~and not under expulsion from~~ a public or private school and has satisfied relevant attendance and discipline requirements as set forth in paragraph (2) of this subsection for a period of one academic year prior to application for an instruction permit or driver's license; or
- (B) Is enrolled in a home education program that satisfies the reporting requirements of all state laws governing such program.

The department shall notify such minor of his or her ineligibility for an instruction permit or driver's license at the time of such application.

(2) The department shall forthwith notify by certified mail or statutory overnight delivery, return receipt requested, any minor issued an instruction permit or driver's license in accordance with this subsection ~~other than a minor who has terminated his or her secondary education and is enrolled in a postsecondary school or who is pursuing a general educational development (GED) diploma~~ that such minor's instruction permit or driver's license is suspended subject to review as provided for in this subsection if the department receives notice ~~pursuant to Code Section 20-2-701~~ that indicates that such minor:

- (A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;
- (B) Has ten or more school days of unexcused absences in the current academic year or ten or more school days of unexcused absences in the previous academic year; or

(C) Has been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, has received a change in placement for committing one of the following offenses, has been assigned to a drug or alcohol prevention program for one of the following offenses, or has waived his or her right to a hearing and pleaded guilty to one of the following offenses:

(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;

(ii) ~~Possession or sale~~ Possessing, selling, or being under the influence of drugs or alcohol on school property or at a school sponsored event;

(iii) ~~Possession or use of~~ Possessing or using a weapon on school property or at a school sponsored event. For purposes of this subparagraph, the term "weapon" shall be defined in accordance with Code Section 16-11-127.1 but shall not include any part of an archeological or cultural exhibit brought to school in connection with a school project;

(iv) ~~Any~~ Committing any sexual offense prohibited under Chapter 6 of Title 16; or

(v) Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.

(3) Upon the occurrence of one of the triggering offenses specified by paragraph (2) of subsection (a.1) of this Code section, the appropriate school or school district shall notify the Department of Driver Services in a timely manner in accordance with Code Sections 20-2-701 and 40-5-26. Such notification shall include the child's full legal name, current residence address, date of birth, and, if available, the child's social security number, driver's license number, and state identification card number.

(4)(A) Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima-facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the provisions of subparagraphs (A) and (B) of paragraph (2) of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the

minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended.

(B) The Except as provided in this subparagraph or in subparagraph (a.1)(2)(C) of this paragraph, the suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first. The department may reinstate the minor's driver's license suspended pursuant to subparagraph (a.1)(2)(A) after 180 days upon receipt of satisfactory proof that the minor has returned to secondary school, has obtained a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school.

(C) The suspension provided for in subparagraph (a.1)(2)(B) of this Code section shall be for a period of 180 days or shall end upon the date of such minor's eighteenth birthday, whichever comes first.

~~(3)~~ (5) The State Board of Education and the commissioner of driver services are authorized to promulgate rules and regulations to implement the provisions of this subsection.

~~(4)~~ (6) The Department of Technical and Adult Education shall be responsible for compliance and noncompliance data for students pursuing a general educational development (GED) diploma."

"(c) The department shall not issue any driver's license to nor renew the driver's license of any person:

(1) Whose driver's license or driving privilege has been suspended during such suspension, or whose driver's license or driving privilege has been revoked, except as otherwise provided in this chapter;

(2) Whose driver's license or driving privilege is currently under suspension or revocation in any other jurisdiction upon grounds which would authorize the suspension or revocation of a driver's license or driving privilege under this chapter;

(3) Who is a habitual user of alcohol or any drug to a degree rendering him or her incapable of safely driving a motor vehicle;

(4) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(5) Who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) Who the commissioner has good cause to believe would not, by reason of physical or mental disability, be able to operate a motor vehicle with safety upon the highway; or

(7) Whose driver's license or driving privilege issued by any other jurisdiction is suspended or revoked by such other jurisdiction during the period such license is suspended or revoked by such other jurisdiction."

SECTION 7.

Said chapter is further amended in Code Section 40-5-26, relating to applications of minors for an instruction permit or a driver's license, by revising subsection (a) as follows:

"(a)(1) The application of any person under the age of 18 years for an instruction permit or driver's license shall be:

(A) Signed and verified by the father, mother, or guardian of the applicant before a person authorized to administer oaths or, in the event there is no parent or guardian, by another responsible adult; or

(B) Signed and verified by a licensed driver training instructor before a person authorized to administer oaths when such instructor is acting as an agent for such purposes on behalf of the father, mother, or guardian of the applicant and such agency is evidenced by permission of such parent or guardian which has been granted in writing and signed and verified by such parent or guardian before a person authorized to administer oaths and on such form as shall be prescribed by rule or regulation of the department.

(2)(A) A person who signed and verified a minor's successful application for an instruction permit or driver's license may subsequently during such minority request revocation of the minor's instruction permit or driver's license by written notice to the department on such form as specified thereby, signed and verified before a person authorized to administer oaths. If the request for revocation is submitted by a licensed driver training instructor acting as an agent on behalf of the father, mother, or guardian of the applicant, such agency must be evidenced by permission for the revocation of such parent or guardian which has been granted in writing and signed and verified by such parent or guardian before a person authorized to administer oaths. Upon receipt of such request and payment of a fee in an amount equivalent to that which was required for issuance of the instruction permit or driver's license, and after a mandatory

1 three business day waiting period, during which the request for revocation may be
2 withdrawn but the fee shall not be returned, the department shall revoke the minor's
3 instruction permit or driver's license.

4 (B) A minor whose instruction permit or driver's license has been revoked under this
5 paragraph shall not be eligible for issuance of another instruction permit or driver's
6 license until he or she reaches 18 years of age, unless consent for issuance of an
7 instruction permit or driver's license has been granted as provided by subparagraphs
8 (A) and (B) of paragraph (1) of this subsection upon application of the minor made not
9 sooner than three months after the effective date of revocation.

10 (C) The provisions of Code Section 40-5-62 shall not apply to a person whose
11 instruction permit or driver's license has been revoked under this paragraph.

12 (D) A revocation of a minor's instruction permit or driver's license under this
13 paragraph shall not be deemed a revocation for purposes of any increase in insurance
14 rates or cancellation of any policy of motor vehicle insurance for which the minor is not
15 the sole named insured, but such a policy may be amended so as to remove such minor
16 from the list of named insureds under such policy.

17 (3) Any verification provided pursuant to this Code section by the parent, guardian, or
18 an individual acting as a parent in the absence of a parent or guardian shall constitute
19 written consent by said person for any local school or school district to release any
20 information required by the Department of Driver Services to satisfy the requirements of
21 this subsection, as well as Code Sections 40-5-22 and 20-2-701. The Department of
22 Education shall serve as the agent of such school, school official, or school system for
23 transmission of this information to the Department of Driver Services."

24 SECTION 8.

25 Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits
26 for certain offenders, by revising paragraph (1) of subsection (a), subsection (c.1), and
27 subsection (e) as follows:

28 "(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
29 other Code section of this chapter, any person who has not been previously convicted or
30 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as
31 measured from the dates of previous arrests for which convictions were obtained or pleas
32 of nolo contendere were accepted to the date of the current arrest for which a conviction
33 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
34 permit when and only when that person's driver's license has been suspended in
35 accordance with ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22~~; subsection

(d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, or paragraph (1) of subsection (a) of Code Section 40-5-67.2."

~~"(c.1) *Exception to standards for approval.* The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22."~~

"(e) *Duration of permit.* A permit issued pursuant to this Code section shall be \$25.00 and shall be nonrenewable and shall become invalid ~~upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22,~~ upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit."

SECTION 9.

This Act shall become effective on July 1, 2007.

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.